

REMARKS

The claims have been amended by rewriting claims 1, 3, 6, and 12-16, canceling claims 7 and 17-19, and adding no new claims. Claims 1-6 and 9-16 remain in the application.

Reconsideration of this application is respectfully requested.

Claim Rejections - 35 U.S.C. § 112, second paragraph:

Claims 1, 12-13, 17-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicants traverse examiner's rejection of claim 17 under 35 U.S.C. § 112, inasmuch as it does not include the word "independent". Applicants have amended claims 1, 12, 13, and 18 to remove the word "independent", thereby overcome the Examiner's rejection of these claims under 35 U.S.C. § 112. The word independent was also removed from claims 3, 14, 15, and 16

Claim Rejections - 35 U.S.C. § 103:

Claims 1-2, 6-7, 12, 14, 16-17, and 19 were rejected under 35 U.S.C. § 103 as being unpatentable over Van den Heuvel (US Patent 5,301,359) in view of Snelgrove et al (US Patent Application Publication 2002/0058532 A1).

The applicants respectfully traverse the Examiner's rejection of claim 1 for at least the following reason: Claim 1 includes the description "obtaining a set of available wireless services from an information source that advertises wireless services, including information corresponding to a brokering agent..." Neither Van den Heuvel nor Snelgrove, nor any of the art cited describes providing information corresponding to a brokering agent along with a set available wireless services. The phrase ", including information corresponding to a brokering agent..." has been added to claims 6, 14, and 16. The applicants believe that claims 1, 6, 14, and 16 are patentably distinct for at least the reason that they include the phrase added to claims 6, 14 and 16, and that claims 2 and 7 are patentable because each is dependent upon one of the independent claims 1 and 6.

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Claim 12 has been amended to precede the word "agent" everywhere in the claim by the word "external". The applicants believe that Snelgrove et al. does not describe an agent external to the subscriber unit that "provides information on available wireless services from a plurality of service provider" and accepts "a particular criteria related to at least one of the available wireless services" and "accept bids satisfying the particular criteria from among a plurality of competing service providers that provide at least one of the available wireless services". Snelgrove et al. does not describe where information on the network service comes from, but the negotiations, from paragraphs 0063-0064 of Snelgrove, appear to start with a contract offer by the subscriber unit, not with an external entity such the negotiation manager 22 described in Snelgrove. Thus, applicants believe that amended claim 12 is patentable, and that claim 13 is likewise patentable, being dependent on claim 12.

Claims 17 and 19 are canceled, thereby rendering their rejection moot.

Claim Rejections - 35 U.S.C. § 103:

Claims 3-4, 8, 10-11, 13, 15, and 18 were rejected under 35 U.S.C. § 103 as being unpatentable over Van den Heuvel (US Patent 5,301,359) in view of Snelgrove et al (US Patent Application Publication 2002/0058532 A1 and further in view of Noreen et al. (US Patent Application Publication 2002/0183059).

Claims 3-4, 8, 10-11, 13, and 15 are dependent upon one of amended claims 1, 6, 12, and 14. Inasmuch as the applicants believe that amended claims 1, 6, 12, and 14 are patentable, the applicants believe that claims 3-4, 8, 10-11, 13, and 15 are thereby also patentable.

Claim 18 is canceled, thereby rendering its rejection moot.

Claim Rejections - 35 U.S.C. § 103:

Claim 5 was rejected under 35 U.S.C. § 103 as being unpatentable over Van den Heuvel (US Patent 5,301,359) in view of Snelgrove et al (US Patent Application Publication 2002/0058532 A1 and further in view of Palermo (US Patent 6,181,734).

Claim 9 was rejected under 35 U.S.C. § 103 as being unpatentable over Van den Heuvel (US Patent 5,301,359) in view of Snelgrove et al (US Patent Application Publication 2002/0058532 A1 and further in view of Noreen et al. (US Patent Application Publication 2002/0183059) and further in view of Palermo (US Patent 6,181,734).

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Claims 5 and 9 are dependent upon one of amended claims 1, 6, 12, and 14. Inasmuch as the applicants believe that amended claims 1, 6, 12, and 14 are patentable, the applicants believe that claims 5 and 9 are thereby also patentable.

Applicant notes that any amendments or claim cancellations made herein and not substantively discussed above are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such amendments or cancellations not substantively discussed. Furthermore, any remarks made herein with respect to a given claim or amendment are intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Applicant specifically reserves the right to prosecute claims of differing and broader scope than those presented herein, in a continuation application.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 502117.

SEND CORRESPONDENCE TO:

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